TUR ADVISORY COMMITTEE MEETING

Summary of Discussion
January 28, 2008
1:30 PM – 4:00 PM

Advisory Committee Members Present: Lucy Servidio, Gary Nedelman, Ed Gomes, Sarah Little, Bob Pliskin, Deborah Kershner (for Andy Goldberg), Carolyn Fiore, Tolle Graham, Sarah Little

Others Present: Rich Bizzozero (EEA), Kerry Bowie (EEA), Rachel Massey (TURI), Heather Tenney (TURI), Liz Harriman (TURI), Steve Rosario (American Chemistry Council), Rick Reibstein (OTA), Audrey Monaco (EEA), Glenn Keith (DEP)

- Rich Bizzozero opened the meeting and Advisory Committee members introduced themselves.

- Rich stated at the end of December 2007 EEA promulgated amended regulations for the annual TURA toxics use fees and for the list of reportable chemicals. Beginning January 2008, the Higher Hazard Substances trichloroethylene, cadmium and cadmium compounds used in excess of 1000 pounds per year will be subject to TURA reporting. Companies using reportable quantities of the chemicals in calendar year 2008 will be required to prepare and submit toxics use reports to DEP by July 1, 2009.

  A program outreach strategy for the three Higher Hazard Substances was distributed and discussed. The key elements of the outreach strategy include:
  - A mailing that DEP has already sent to companies that currently use or have ever reported the use of those chemicals to DEP.
  - OTA, DEP and TURI will be mailing to people that attended recently sponsored events.
  - TURI will do a mailing to the Surface Solutions Laboratory customers.
  - OTA and TURI will send an outreach letter to companies having a similar Standard Industrial Classification (SIC) code to a TURA filer that previously or currently reports on trichloroethylene, cadmium or cadmium compounds.
  - Outreach to TURPs will include presentations at conferences, workshops and association meetings to enlist their assistance in identifying and notifying companies potentially subject to the new requirements.
  - OTA will work with trade associations to notify association members of the new Higher Hazard Substance requirements. Associations include: the

paint and coatings industry; plastics, halogenated solvents, American Electroplaters and Surface Finishers (AESF), Associated Industries of Massachusetts (AIM) and the Massachusetts Chemistry Technology Alliance (MCTA).
- OTA will work with chemical distributors. Outreach to their members will include mailings, workshops, or other less formal information sessions with EH&S personnel for chemical distributors and their customers.

❖ Liz Harriman and Heather Tenney provided the Committee members with an overview of the criteria and method used by the Science Advisory Board (SAB) for evaluating chemical hazards.

- The SAB evaluates the scientific information regarding the chemicals and makes a recommendation to TURI on hazard classification. Currently there are 10 members of the SAB with wide varieties of expertise.
- Screening endpoints are used as a frame work for the Science Advisory Board deliberations. For all deliberations regarding the chemical list and categorization of the list, objective scientific hazard data are gathered for the substances in question. Data points are discussed in the following four major areas: human health, environmental, safety, and persistence/bioaccumulation.
- These endpoints were considered using an expert judgment method for each chemical. Each chemical was considered for its overall potential impact, not just for a particular endpoint. For instance, the 11 recommended chemicals are not necessarily the ones with the highest carcinogenicity or toxicity values. The recommended chemicals are the ones that the Board members, using expert judgment based on available data, considered to be the highest hazard based on their inherent toxicity and safety hazards.
- It is important to note that the Board is not charged with looking at issues beyond safety/toxicity, such as quantities used in the Commonwealth and exposure potential. TURI, in its policy analysis, considers issues regarding the use of the chemicals before making its recommendations to the Administrative Council.
- The SAB meetings have historically been held quarterly, but have been more frequent recently due the large amount of work and statutory deadlines. All meetings are open to the public.
- A new portal is provided on the TURI website for information on all resources.

❖ Rachel Massey and Heather Tenney gave an overview of the higher hazard policy analysis for perchloroethylene (PCE).

- PCE has both acute and chronic adverse health effects. Acute effects can include skin, eye and respiratory irritation, depression of central nervous

system function, headache, dizziness, nausea, in coordination, unconsciousness, and for very high exposures, death. The International Agency for Research on Cancer (IARC) classifies PCE in Group 2A (probably carcinogenic to humans); other chronic effects may include liver, kidney or central nervous system damage. The developing fetus and children may be particularly vulnerable to the toxic effects of PCE.

- If designated a higher hazard substance, the reporting threshold for PCE use would be lowered to 1,000 lbs/year for companies in TURA covered industry sectors with ten or more employees. New companies entering the program under the lower reporting threshold would be required to file annual toxics use reports, pay annual toxics use fees, and develop a toxics use reduction plan every two year.
- Based on the policy analysis it is estimated that a 1,000 lb reporting threshold would result in 40 to 70 new TURA filers.
- In both dry cleaning and vapor degreasing, purchasing the newest generation of technology makes it possible to reduce PCE use dramatically. In addition, practical alternatives to PCE are available for most uses. These include both process changes and material substitutions.
- Several equipment alternatives require upfront capital cost.

There were several comments from the Advisory Committee and a lively discussion around the designation of PCE as a higher hazard substance. Comments from the Committee included:

- PCE is sold in used coin shops for individuals to use to clean coins; it may be worth doing outreach to these shops.
- There should be outreach to organized labor, such as the AFL-CIO, auto manufacturers' associations, and small business association (SBANE).
- One industry representative expressed surprise and concern about the quantities of PCE (900,000+ pounds) being used below current TURA reporting/planning thresholds. He pointed out that aggregate use below TURA reporting thresholds is more than three times the amounts reported under TURA, and non-TURA-reported disposal is 60 times as great as that reported under TURA. In a separate comment, he noted that the largest use and disposal of PCE in MA is not covered by TURA. Thus, a citizen searching for information about toxics in his or her community will not find this information in the TURA database.
- Another industry representative strongly supported designation of PCE as a higher hazard substance.
- There was discussion whether the case study information on California was relevant; some members felt it was relevant and others said it was not.
- One member asked if the priority user segment mechanism under TURA could be applied here and if dry cleaners' use of PCE could be designated a priority user segment sooner than 4 years. Some Committee members

expressed concern about not acting fast enough based on hazard and concern about the unreported use of the chemical.

- One industry committee member expressed an interest in acting promptly and developing an incentive system for businesses to eliminate use. Incentive ideas included a mentor plan by more sophisticated users, and increasing the fee on PCE use annually to strengthen the incentive for continued reduction.

In summary, there was support from all those who spoke (predominately industry representatives) about designating PCE as a higher hazard substance. Committee members were in favor of prompt designation and expressed concern about the large quantity of use that is not reported under TURA. It was stated that dry cleaner PCE use is reported to DEP's Environmental Results Program (ERP) but that ERP data is not as readily available to the public as TURA data. Members expressed concern that the ten-employee threshold was an obstacle to more complete reporting (facilities with less than 10 employees are not subject to reporting under TURA unless they are in a designated priority user segment). There was a question of whether this sector could be designated as a priority user segment.

Rich Bizzozero noted that Advisory Committee comments would be included in the meeting summary and communicated to the TUR Administrative Council at its next meeting on February 13th.

❖ Rachel Massey and Heather Tenney gave an Overview of the Lower Hazard Policy Analysis

- The SAB has recommended designating iso-butyl alcohol, sec-butyl alcohol, and n-butyl alcohol as lower hazard substances. If designated, the per-chemical fee of $1,100 for these substances would be eliminated (reporting facilities would still pay an annual base toxics use fee). Companies regulated by TURA using these substances above reporting thresholds (which would not change) would continue to submit a toxics use report and developing toxics use reduction plans.
- As of the 2005 TURA data, there were 9 facilities reporting n-butyl alcohol, 3 facilities reporting iso-butyl alcohol, and 2 facilities reporting sec-butyl alcohol. In total, 14 facilities would be affected (i.e., pay lower fees) by designating the three butyl alcohols as lower hazard substances.

Comments from Advisory Committee on the proposed lower hazard designations included:

- One Committee member stated the chemicals are flammable and pose a danger if not used and handled properly.
- It was suggested that in the policy analysis a discussion be added about technical assistance from the state and what other agencies/organizations are doing

Rich Bizzozero explained the process for designating chemicals as lower hazard substances. TURI will take the comments from today's discussion and incorporate them into the policy analysis. The analysis will be presented to the Administrative Council in February and they may vote to designate the three alcohols as Lower Hazard Substances. If designated, regulations making the designations would be promulgated by the end of the calendar year. Affected facilities would not pay the per-chemical fees for these substances for chemical use in calendar year 2009, reported by July 1, 2010.

- ❖ Rich handed out a tentative TURA Advisory Committee Schedule for 2008.

- ❖ The next Advisory Committee meeting was scheduled for 1 pm – 4 pm on March 10, 2008.

** The following are handouts distributed in the meeting.

1. Agenda
2. Response to Comments on Proposed Amendments to 301 CMR 40.00 Toxics Use Fee & 301 CMR 41.00 Toxic or Hazardous Substance List
3. Industry Outreach Strategy on TCE, Cadmium, & Cadmium Compounds Designated as Higher Hazard Substances
4. Higher Hazard Policy Analysis / Perchloroethylene
5. Lower Hazard Policy Analysis / Isobutyl Alcohol
6. Advisory Committee Schedule for Calendar Year 2008